

ORDINANCE NO. 1138

AN ORDINANCE AMENDING SECTION 27-12C OF THE LODI CITY CODE
REGULATING THE USE OF THE MOKELUMNE RIVER FLOODPLAIN AND
DECLARING THE SAME AN URGENCY ORDINANCE.

The City Council of the City of Lodi does ordain as follows:

Section 1. Section 27-12C of the Lodi City Code is hereby
repealed and simultaneously re-enacted to read in full as follows:

(a) Scope and Intent

1. This section is intended to establish specific restrictions
on the use of those properties or portions of properties which
are situated within the City of Lodi and within the Mokelumne
River Floodplain and in the Special Flood Hazard areas as defined
below.

Special regulation is necessary for the protection of the
public health, safety and general welfare, and of property and
improvements both within and without the above areas from hazards
and damage resulting from flood waters and to promote the Open
Space Conservation Element policies of the City's General Plan.

(b) Floodplain Boundaries

1. The Mokelumne River Floodplain is defined as those areas of
Special Flood Hazard identified by the Federal Insurance
Administration through a scientific and engineering report entitled
"The Flood Insurance Study for the City of Lodi" dated April
1973 with accompanying Flood Insurance Rate Maps and any revision
thereto which are hereby adopted by reference and declared to

be a part of this ordinance. Maps and Data which reflect this delineation are on file in the office of the Director of Community Development of the City of Lodi.

(c) Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

"Base flood" means the flood having a one percent chance of being equalled or exceeded in any given year.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving or excavation.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas.

"Flood Insurance Rate Map" (FIRM) means an official map of the City of Lodi or San Joaquin County, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by the Federal Insurance Administration. The report contains flood profiles, as well as the Flood Hazard Boundary-Floodway Map and the water surface elevation of the base flood.

"Habitable floor" means any floor usable for living purposes which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor".

"Mean Sea Level" means the average height of the sea for all stages of the tide.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration effects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

(d) Floodplain District (FP)

All areas within the boundaries of the Special Flood Hazard Areas which are also within the City of Lodi are hereby rezoned to the FP (Floodplain) Zone.

(e) Prezoning of flood hazard lands

All areas not within the City of Lodi but within the boundaries of the Special Flood Hazard area identified by the Federal Insurance Wministration through a scientific and engineering report entitled "The Flood Insurance Study for the County of San Joaquin" dated March 1977 and which are also within the City of Lodi Planning area as shown on the Lodi General Plan are hereby prezoned to the FP (Floodplain) Zone.

(f) Establishment of development permit

No structure or land shall hereafter be located, extended, converted, or altered within FP (Floodplain) zoned lands without full compliance with the terms of this ordinance, and without having first received a development or construction permit in accordance with the provisions of this article; and for developments requiring use permits, with the provisions of ~~Sections~~ 27-15 (c). Development Permit applications shall be reviewed by the Community Development Director and the requirements of this ordinance enforced in accordance with Section 27-22 of this code.

(g) Use Permitted

1. The following uses are permitted without a Use Permit where modification or removal of native vegetation, including trees, is not required.

(i) Agriculture

a. Open space agricultural uses not requiring a closed building such as cropland, orchards, and live-stock feeding and grazing.

b. The storage of farm machinery which is readily removable from the area within the time available after flood warning.

(ii) Recreational

Firmly anchored recreational floating docks.

(iii) Modification of Native Vegetation

Where modification or removal of native vegetation is required, such modification or removal may be permitted after obtaining a development permit consisting of written approval from the Community Development Director, provided that such proposed modifications in the Floodplain have been found to be consistent with the Open Space Conservation Element of the General Plan.

2. The following uses may be permitted after approval of a conditional Use Permit by the City of Lodi and after approval by the State Department of Fish & Game and the Reclamation Board of the State of California, provided that as determined by said Reclamation Board, a combination of such uses within the floodplain does not materially increase the flood height of the Intermediate Regional Floodplain; and provided that as determined by the State Department of Fish & Game, that full mitigation measures will be used to protect and enhance the trees, native plant materials and wildlife in the floodplain, in accordance with good Fish & Game practices and in accordance with the General Standards listed under Sec. 27-12C, (h).

- (i) Residential dwellings on existing undeveloped lots in subdivisions approved before January 1, 1977.
- (ii) Outdoor recreational facilities
 - a. Campgrounds
 - b. Boating Facilities
 - c. Parks
 - d. Golf Course or Driving Range

- e. Athletic Fields
- f. Shooting Range
- (iii) Fences, fills, walls, excavations or other appurtenances which do not constitute an obstruction or debris-catching obstacle to the passage of floodwaters and which are consistent with the Open Space-Conservation Element policies.
- (iv) Private drives, bridges, and public utility wires and pipelines for transmission and distribution.
- (v) Improvements in stream channel alignment, cross-section, and capacity including modification of riverbank and flood protection levee.
- (vi) Structures that are designed to have a minimum effect upon the flow of water and are firmly anchored to prevent the structure from flotation, (excepting floating docks) provided no structures for human habitation shall be permitted.
- (vii) Other similar uses of a type not appreciably damaged by floodwaters.

(h) General Standards

In all areas of special flood hazard the following provisions are required:

1. The lowest floor of any residential structure, including garages and accessory buildings, shall be elevated 18 inches or more above the level of the base flood elevation;
2. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
3. All new construction or substantial improvements shall be constructed with materials and utility equipment resistant to flood damage using methods and practices that minimize flood damage.

4. New and replacement water and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

5. New non-residential structures shall be flood proofed or elevated 18" or more above the level of the base flood.

6. The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.

7. All structures requiring floodproofing shall be so designed so that below the base flood level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads with effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied and a copy of such certification shall be provided to the Director of Public Works and the Chief Building Inspector.

(i) Duties and Responsibilities of the Community Development Department

It shall be the duty of the Community Development Department to:

1. Review all development permits to assure that the permit requirements of this ordinance have been satisfied, and to insure that construction or development sites are reasonably safe from flooding.

2. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State

or Local governmental agencies from which prior approval is required.

3. Notify the County of San Joaquin and the State Clearing House prior to any actions approving alteration or relocation of the Mokelumne River and submit evidence of such notification to the Federal Insurance Administration, in accordance with current State Guidelines.

4. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor of all new or substantially improved structures as well as the actual elevation to which they have been floodproofed.

5. All records pertaining to the provisions of this ordinance shall be maintained in the office of the Community Development Department and shall be open for public inspection.

(j) Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Lodi or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

(k) Urgency Ordinance

The City Council does hereby find and declare that due to the possibility of flooding of portions of the floodplain in the City of Lodi, which could result in a great economic loss as well as a danger to persons and property, that this ordinance should be adopted as an urgency measure so that those affected property owners shall be eligible for floodplain insurance,

Section 2. EFFECTIVE DATE

This being an urgency ordinance the same shall be in force and take effect immediately.

Section 3. PUBLICATION

This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi.

Approved this 1st day of March 1978

Walter J. Katnich

WALTER J. KATNICH
MAYOR

Attest: *Alice M. Reimche*
ALICE M. REIMCHE
City Clerk

State of California
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1138 was adopted as an urgency ordinance by the City Council of the City of Lodi at a regular meeting held March 1, 1978, and was ordered to print by the following vote:

Ayes : Councilmen - Hughes, Katzakian, Pinkerton
and Katnich

Noes : Councilmen - None

Absent: Councilmen - Ehrhardt

I further certify that Ordinance No. 1138 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.


ALICE M. REIMCHE
CITY CLERK